



MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-  
Clerk of the Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

At its meeting held February 10, 2009, the Board took the following action:

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The following item was called up for consideration:

Report by the Chief Executive Officer on the status of actions relating to the management of criminal background investigations by the Department of Health Services.

William T Fujioka, Chief Executive Officer, Raymond Fortner, Jr., County Counsel, and Dr. John F. Schunhoff, Interim Director of Health Services, presented a report and responded to questions posed by the Board.

The following statement was entered into the record for Supervisors Antonovich and Molina:

“Recent news reports have underscored weaknesses in the County’s oversight and management of the criminal background screening process for contract agencies that provided clinical staff. Current County policy requires all contract personnel to be properly screened to ensure their fitness to provide care for patients in our County facilities and clinics. These agencies are required to perform these criminal background checks as specified in their contracts with the County and we should not contract with agencies who do not take these requirements seriously. However, the Department of Health Services has failed to provide clear and proper direction to these agencies in screening these individuals. Requiring agencies to perform these checks adds an additional safeguard on top of the County’s established operational protocols.

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“While we have the obligation to protect our patients in County facilities, the same assurance of safety should be available to patients in private hospitals, nursing homes and other health care facilities.

“The clearest point for this background check is at the time of licensing by the State. It is important to know what the current practices are among State agencies at the time health care professionals seek their license, as this will assist the County, as well as private organizations, in knowing that the criminal background of the members of its potential workforce has been evaluated prior to licensing.

“Additionally, we were surprised to learn from the Interim Director of Health Services that at many of our facilities, County security do not check to make sure staff entering the buildings are wearing appropriate identification badges, in accordance with County policy and licensing standards. There is no point in having a requirement that employees wear County badges if there is no one enforcing that policy. It seems obvious that this should be the role of our security personnel. That the Department of Health Services and the Office of Public Safety were not enforcing these policies was a contributing factor to the failure to quickly identify this individual’s inappropriate assignment to a County facility.”

Therefore Supervisor Antonovich made a motion, seconded by Supervisor Molina, that the Board direct the Chief Executive Officer to:

1. Establish a standard Countywide protocol to be used by all registry and temporary staffing agency contractors in performing criminal background checks as stipulated in the County's contracts with these agencies. This should include a complete review of the criminal background checks currently being performed by our contract agencies, and whether they meet the County's standards;
2. Evaluate the practices by all State agencies responsible for the licensing of health care professionals regarding the conducting of criminal background checks as a component of the licensing process. This should include the criteria, standards and evaluation processes used by each agency in conducting criminal background checks and determining the fitness of applicants for licensure who are found to have a criminal background;

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3. Report back in two weeks on the findings and recommendations, including legislative remedies that would be required to ensure that all licensed health care professionals receive a standardized criminal background check as a condition of licensing; and
4. Work with the Office of Public Safety to develop and implement a protocol for security at DHS facilities to ensure that all personnel are wearing an appropriate identification badge, in accordance with County policy.

Supervisor Knabe made a suggestion that Supervisors Antonovich and Molina's motion be amended to include Public Health facilities in Recommendation No. 4. Supervisors Antonovich and Molina accepted Supervisor Knabe's amendment.

The Chief Executive Officer suggested that the Board include in Supervisors Antonovich and Molina's motion that certification be required from trainees indicating that they understand all policies and procedures learned within the training, and agree to implement the policies and procedures.

Supervisor Molina also requested the Chief Executive Officer to review the County's current registries, what their duties and responsibilities are, and what the responsibilities of the Security personnel are.

Darvet Brown, Susan Burton, Dr. Genevieve Clavreul, Joshua Kim, Hillarie Levy, Arnold Sachs, Stephanie Sauter, and Debra Tyler addressed the Board.

After discussion, on motion by Supervisor Antonovich, and seconded by Supervisor Molina, unanimously carried, the Board took the following actions:

1. Received and Filed the Interim Director of Health Services' attached report;
2. Directed the Chief Executive Officer to:
  - Establish a standard Countywide protocol to be used by all registry and temporary staffing agency contractors in performing criminal background checks as stipulated in the County's contracts with these agencies. This should include a complete review of the criminal background checks currently being performed by our contract agencies, and whether they meet the County's standards;

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- Evaluate the practices by all State agencies responsible for the licensing of health care professionals regarding the conducting of criminal background checks as a component of the licensing process. This should include the criteria, standards and evaluation processes used by each agency in conducting criminal background checks and determining the fitness of applicants for licensure who are found to have a criminal background;
- Report back in two weeks on the findings and recommendations, including legislative remedies that would be required to ensure that all licensed health care professionals receive a standardized criminal background check as a condition of licensing;
- Work with the Office of Public Safety to develop and implement a protocol for security at Department of Health Services and Public Health facilities to ensure that all personnel are wearing an appropriate identification badge, in accordance with County policy;
- Review the County's current registries, what their duties and responsibilities are, and what the responsibilities of the Security personnel are; and
- Require certification from trainees indicating that they understand all policies and procedures learned within the training, and agree to implement the policies and procedures.

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#### Attachment

#### Copies distributed:

Each Supervisor  
Chief Executive Officer  
County Counsel  
Interim Director of Health Services  
Director of Public Health